

State Water Resources Control Board

Division of Drinking Water

January 16, 2018

Mr. Tim Wise, Correction Plant Manger
Kern Valley State Prison – 1510802
3000 W. Cecil Ave.
Delano, CA 93216

Dear Mr. Wise :

CITATION No. 03_12_18C_001

For Violation of Domestic Water Supply Permit Conditions

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Citation No. 03_12_18C_001 to Kern Valley State Prison (System) for violation of Domestic Water Supply Permit Condition No's 5, 6, 9, and 14. The System has failed to comply with these permit conditions that require the System to submit an operations plan and a report evaluation of the effectiveness of the arsenic treatment during the first 12 months of operation to the Division. This is the second citation that has been issued for not submitting these documents. The citation with an administrative penalty of \$1,000.00 is enclosed.

The System will be billed at the Division's hourly rate (currently estimated at \$167.00) for the time spent on issuing this citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately 1.5 hours on enforcement activities associate with this violation.

If you have any questions regarding this letter, please contact Eli McFarland at (559) 447-3300 or eli.mcfarland@gmail.com .

Sincerely,



Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

District webpage: http://www.waterboards.ca.gov/drinking_water/programs/districts/visalia_district.shtml

TAW/EM

Enclosures: Citation No. 03_12_18C-001

cc: Kern County Environmental Health Department

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Kern Valley State Prison

Water System No: 1510802

Attention: Mr. Tim Wise, Correction Plant Manager

3000 W. Cecil Ave.

Delano, CA 93216

Issued: January 16, 2018

CITATION FOR NONCOMPLIANCE
FOR VIOLATION OF CONDITIONS OF
DOMESTIC WATER SUPPLY PERMIT NO. 03-12-12PA-007

Issued on January 16, 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Board, acting by and through its Division of Drinking Water
2 (hereinafter "Division") and the Deputy Director for the Division, hereby
3 issues this citation pursuant to Section 116650 of the CHSC to the Kern
4 Valley State Prison (hereinafter "System") for violation of Conditions No's 5,
5 6, 9 and 14 of Domestic Water Supply Permit No. 03-12-12PA-007.

6
7 A copy of the applicable permit, statutes and regulations are included in
8 Appendix 1, which is attached hereto and incorporated by reference.

9
10 **STATEMENT OF FACTS**

11 The System is classified as a community water system with a population of
12 5,300, serving 2,249 service connection equivalents.

13
14 On December 3, 2015, the Division issued a Sanitary Survey Report
15 (hereinafter "Report") to the System with eleven (11) directives with a
16 January 1, 2016 deadline resulting from the August 5, 2015 Sanitary Survey.
17 The Report identified a total of eleven (11) deficiencies which included three
18 (3) that were not in compliance with permit condition No.'s: 5, 6, 9, 14 and
19 15.

20
21 The System operates under Domestic Water Supply Permit No. 03-12-
22 12PA-007 which lists 15 permit conditions that were issued to the System on
23 December 21, 2012. Four of the permit conditions, No.'s: 5, 6, 9, and 14, are
24 relevant to this Citation. Permit Condition No. 5 required the System to
25 submit an updated Operations Plan by January 15, 2013. Permit Condition
26 No. 6 requires the System to include arsenic treatment plant operations,
27 sampling procedures, reporting procedures, and a response plan for MCL
28 exceedances in the revised operations plan. Permit Condition No. 9 required

1 the System to operate the arsenic treatment facilities in accordance with an
2 approved Operations Plan and to submit revisions to the Visalia District
3 Office whenever changes to the operations of the treatment plant occur.
4 Permit Condition No. 14 required the System to submit a report evaluation of
5 the effectiveness of the arsenic treatment during the first 12 months of
6 operation to the Division within two (2) months of end of the first year of
7 operation.

8
9 The Report documented that the System had failed to submit an Operations
10 Plan. The Report also documented that the System had been directed to
11 submit an Operations Plan in the original revised water supply permit (03-
12 12-05P-001), in the permit amendment (03-12-12PA-007), and the previous
13 2012 sanitary survey. The Division issued Citation No. 03-12-13C-011 in
14 July of 2013 for failure to submit an Operations Plan. However, none of the
15 above mentioned efforts by the Division has resulted in the System
16 complying with the permit conditions. The Report issued Directive No. 4
17 which required the System to submit an Operations Plan and an evaluation
18 report to the Division by January 1, 2016.

19 20 **DETERMINATION**

21 Conditions No. 5, 6, and 9 of Permit Amendment No. 03-12-12PA-007
22 states that the System shall submit an Operations Plan and operate the
23 arsenic treatment facilities in accordance with an approved Operations Plan.
24 Since the Division has not received the required Operations Plan, the
25 System has failed to comply with permit amendment conditions No.'s: 5, 6,
26 and 9.

1 Condition No. 14 of Permit Amendment No. 03-12-12PA-007 states that the
2 System shall submit a report evaluating the effectiveness of the arsenic
3 treatment during the first 12 months of operation to the Division. The System
4 has failed to submit the required report.

5
6 Based on the above Statement of Facts, the Division has determined that
7 the System has violated Condition No.'s: 5, 6, 9 and 14 of Domestic Water
8 Supply Permit Amendment No. 03-12-12PA-007.

9
10 **PENALTY PURSANT TO HEALTH AND SAFETY CODE SECTION 116650**

11 The State Board hereby assesses upon the System an administrative
12 penalty in the amount of **\$1,000.00**. The System is directed to pay this
13 penalty in accordance with the requirements set forth in Directive 2 of this
14 Citation.

15
16 **DIRECTIVES**

17 The System is hereby directed to take the following actions:

- 18
19 1. By **March 31, 2018**, comply with Permit Conditions Numbers 5, 6, 9,
20 and Sanitary Survey Report Directive No. 4 by submitting an
21 Operations Plan for review and approval.
- 22 2. By **March 31, 2018**, comply with Permit Condition Number 14 and
23 Sanitary Survey Report Directive No. 4 by submitting an evaluation
24 report to the Division. The evaluation report should include operations
25 up through December 2017. Provide any treatment problems and
26 cost of operations for 2017.
- 27 3. Submit to the State Board by **March 31, 2018**, a check for the
28 administrative penalty of **\$1,000.00** imposed by this Citation and a

1 copy of the form which is attached as Appendix 2, hereto entitled
2 "Notice of Administrative Penalty." The Citation number shall be
3 written on the check. The check shall be made payable to the **State**
4 **Water Resources Control Board** and submitted to:

5
6 SWRCB Accounting Office
7 ATTN: Drinking Water Program Fees
8 P.O. Box 1888
9 Sacramento, CA 95812-1888
10

11 **If the System complies with the Permit Conditions and Sanitary**
12 **Survey Report directives before the payment becomes due, and**
13 **upon a written request from the System, the Division will *consider*,**
14 **at its sole discretion, terminating the requirement to pay the**
15 **penalty.**

16
17 All submittals required by this Citation, other than the payment of the
18 penalty, shall be submitted to the Division at the following address:

19
20 Tricia A. Wathen, P.E.
21 State Water Resources Control Board
22 Senior Sanitary Engineer – Visalia District
23 265 W. Bullard Ave. Suite 101
24 Fresno, CA 93704
25

26 The State Board reserves the right to make such modifications to this
27 Citation as it may deem necessary to protect public health and safety. Such
28 modifications may be issued as amendments to this Citation and shall be
29 effective upon issuance.
30

1 Nothing in this Citation relieves the System of its obligation to meet the
2 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter
3 4, commencing with Section 116270), or any regulation, standard, permit or
4 order issued or adopted thereunder.

6 **PARTIES BOUND**

7 This Citation shall apply to and be binding upon the System, its owners,
8 shareholders, officers, directors, agents, employees, contractors,
9 successors, and assignees.

11 **SEVERABILITY**

12 The directives of this Citation are severable, and the System shall comply
13 with each and every provision thereof notwithstanding the effectiveness of
14 any provision.

16 **FURTHER ENFORCEMENT ACTION**

17 The California SDWA authorizes the State Board to: issue a citation with
18 assessment of administrative penalties to a public water system for violation
19 or continued violation of the requirements of the California SDWA or any
20 regulation, permit, standard, citation, or order issued or adopted thereunder
21 including, but not limited to, failure to correct a violation identified in a
22 citation or compliance order. The California SDWA also authorizes the State
23 Board to take action to suspend or revoke a permit that has been issued to a
24 public water system if the public water system has violated applicable law or
25 regulations or has failed to comply with an order of the State Board, and to
26 petition the superior court to take various enforcement measures against a
27 public water system that has failed to comply with an order of the State

1 Board. The State Board does not waive any further enforcement action by
2 issuance of this Citation.

3
4 

5 Carl L. Carlucci, P.E., Chief

1-16-2018

Date

6 Central California Section

7 Drinking Water Field Operations

8
9 cc: Kern County Environmental Health Department

10 Appendices (2):

- 11
- 12 1. Applicable Permit, Statutes and Regulations
 - 13 2. Notice of Administrative Penalty Form
- 14

15 Certified Mail No. 7016 3010 0000 0446 3922



APPENDIX 1. APPLICABLE PERMIT, STATUTES AND REGULATIONS FOR

Violations of Permit Condition's No. 5, 6, 9, and 14

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

- (a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:
- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
 - (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
 - (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
 - (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
 - (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
 - (6) Chapter 7 (commencing with Section 116975).
 - (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
 - (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
 - (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
 - (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
 - (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
 - (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).
- (b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...
- (k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
- (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116650 states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

Appendix 1. Applicable Statutes And Regulations

- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

**STATE OF CALIFORNIA
DOMESTIC WATER SUPPLY
PERMIT AMENDMENT**

Issued to

Kern Valley State Prison

Public Water System No. 1510802

By the

California Department of Public Health

Division of Drinking Water & Environmental Management



ORIGINAL PERMIT: 03-12-05P-001

DATE OF ISSUE: April 26, 2005

PERMIT: 03-12-12PA-007

EFFECTIVE DATE: December 21, 2012

WHEREAS:

1. Kern Valley State Prison (KVSP) submitted a permit amendment application to the California Department of Public Health (Department) on December 22, 2012, for the installation of arsenic removal treatment facilities.
2. The application for the wells was submitted in accordance with California Health and Safety Code, Section 116525.
3. This public water system is known as the Kern Valley State Prison water system, whose mailing address is: 3000 West Cecil Avenue Delano, CA, 93216. The State of California Department of Corrections and Rehabilitation is the legal owner of the water system. Therefore, the State of California Department of Corrections and Rehabilitation is responsible for compliance with all statutory and regulatory drinking water requirements and the conditions set forth in this permit.
4. The public water system for which the permit amendment is being written for is described briefly below (a more detailed description of the permitted system is described in the attached report):

KVSP's source of supply is groundwater. The water system is classified as a community water system and serves a population of approximately 5,700 through 2,248 service connections. The water supply system serves one pressure zone and consists of two (2) active groundwater sources: Well Nos. 1 and 2. The groundwater is treated for arsenic removal through a coagulation/filtration plant.

AND WHEREAS:

1. KVSP has submitted all of the required information relating to the proposed operation of the water system.
2. The California Department of Public Health has evaluated all of the information submitted by KVSP's water system and has conducted a physical investigation of the water system.
3. The California Department of Public Health has the authority to issue domestic water supply permits pursuant to Health and Safety Code Section 116540.

THEREFORE: The California Department of Public Health has determined the following:

1. KVSP's water system meets the criteria for and is hereby classified as a community water system.
2. The applicant has demonstrated that the proposed KVSP water system has sufficient source capacity to serve the anticipated water demand for the system.
3. The design of the water system complies with the Water Works Standards and all applicable regulations.
4. The applicant has demonstrated adequate technical, managerial, and financial capacity to reliably operate the water system.
5. Provided the following conditions are complied with, KVSP's water system should be capable of providing water to consumers that is pure, wholesome, and potable and in compliance with statutory and regulatory drinking water requirements at all times.

THE STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION IS HEREBY ISSUED THIS DOMESTIC WATER SUPPLY PERMIT AMENDMENT TO OPERATE KERN VALLEY STATE PRISON'S WATER SYSTEM.

Kern Valley State Prison's water system shall comply with the following permit amendment conditions:

1. KVSP shall comply with all the requirements set forth in the California Safe Drinking Water Act, California Health and Safety Code and any regulations, standards or orders adopted thereunder.
2. The only approved sources of domestic water supply for use by Kern Valley State Prison are listed in table below.

Approved Sources

<i>Source Name</i>	<i>Primary Station Number</i>
Well No. 1	1510802-001
Well No. 2	1510802-002

3. The only approved treatment facilities include the following:

Approved Treatment Sites

Plant	Primary Station Number
Arsenic Treatment Plant - Effluent	1510802-005
Building 701 (Nitrite Aeration and Blending)	1510802-003

4. No additions, changes or modifications to the sources of water supply or water treatment processes outlined in Provisions Nos. 2 and 3 can be made without prior receipt of an amended domestic water supply permit from this Department.
5. By January 15, 2013, KVSP must submit an updated Operations Plan as described by the Department.
6. By February 1, 2014, KVSP shall submit a revised operations plan for the arsenic treatment plant. The operations plan shall include the following (a through f):
- Description of the treatment operation.
 - Sampling procedures, frequency and results.
 - Reporting procedures, requirements, and forms.
 - Measures to prevent failure of treatment process.
 - Response plan in the occurrence that the treatment effluent exceeds arsenic MCL.
7. The water from Well Nos. 1 and 2 shall be treated at all times and shall not bypass the arsenic treatment facilities.
8. KVSP's treatment facilities shall be operated to meet the arsenic MCL of 0.010 mg/L at all times. If the treatment plant compliance point exceeds the arsenic MCL, the water system shall make adjustments to the treatment facility based on their approved Operations Plan. Compliance with the arsenic MCL shall be determined by a four quarterly running annual average based on the monthly average of all compliance point sample results analyzed by a certified lab during the month.
9. KVSP's arsenic treatment facilities shall be operated in accordance with an approved Operations Plan. The Operations Plan shall include a sampling schedule, trigger levels and appropriate action to be taken by the water system to ensure compliance with the arsenic MCL of 0.010 mg/L. KVSP shall submit revisions to the Visalia District Office whenever changes to the operations of the treatment plant occur.
10. All treatment facilities shall be operated by personnel who have been certified in accordance with the Regulations relating to Certification of Water Treatment Facility Operation, CCR, and Title 22. The arsenic treatment plant is classified as a T2 water

treatment plant, and the minimum certification levels of the chief and shift operator are T2 and T1, respectively.

11. Under the operator certification regulation, KVSP's water system is classified as a D2 system. KVSP must have a chief distribution operator who is certified, at a minimum, as a D2 distribution system operator.
12. The KVSP shall, at a minimum, follow the monitoring requirements below (a through f) when Well Nos. 1 and 2 corresponding arsenic treatment is in use. The analytical results shall be submitted to the Department using electronic data transfer (EDT) and the PS Codes indicated. A summary report containing these results for any month when blending treatment is in operation shall be submitted by the 10th day of the following month to the Department. Daily operational records including, at a minimum: flow rates, total volume treated, operational changes, and unusual occurrences, shall be maintained by KVSP.
 - a. KVSP shall record the flow and hours of operation of each source used for arsenic blending weekly.
 - b. KVSP shall collect samples of the wells for analysis of arsenic with a by an approved laboratory quarterly. Sampling from the laboratory for the wells must be submitted via EDT.
 - c. KVSP shall collect samples of the treated effluent for analysis of arsenic with a hand held device and by an approved laboratory weekly. Sampling from the laboratory for the treated effluent must be submitted via EDT.
 - d. KVSP shall calibrate the flow meters on the wells and the treated effluent discharge lines at least annually.
 - e. The Department must be notified within 48 hours if there is a failure in the blending operation.
13. KVSP shall collect raw water samples on at least monthly from each active well for analyses of total coliform, fecal coliform or *E. Coli.* bacteria. The coliform tests shall be performed using a density analytical method and the results reported in units of MPN/100ml. The results shall be submitted to the Department by the 10th day of the following month.
14. KVSP shall submit a report evaluating the effectiveness of the arsenic treatment during the first twelve (12) months of operation to the Department within two (2) months of the end of the first year of operation. This report should evaluate water quality monitoring, effectiveness, reliability, safety, and any operating problems encountered.
15. KVSP shall continue to monitor quarterly at Well Nos. 1 and 2, and monthly at building 701 for nitrite.

This permit supersedes all previous domestic water supply permits issued for this public water system and shall remain in effect unless and until it is amended, revised, reissued, or declared to be null and void by the California Department of Public Health. This permit is non-transferable. Should Kern Valley State Prison's water system undergo a change of ownership, the new owner must apply for and receive a new domestic water supply permit.

Any change in the source of water for the water system, any modification of the method of treatment as described in the permit report, or any addition of distribution system storage reservoirs shall not be made unless an application for such change is submitted to the California Department of Public Health.

This amendment shall be amended to and shall be considered an integral part of the Domestic Water Supply Permit issued to Kern Valley State Prison on the date shown on the first page of this permit.

FOR THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Tricia A. Wathen

Tricia A. Wathen, P.E.
District Engineer

December 21, 2012

Date

APPENDIX 2. NOTICE OF ADMINISTRATIVE PENALTY FORM

STATE OF CALIFORNIA
DIVISION OF DRINKING WATER

STATE WATER RESOURCES CONTROL BOARD

Notice of Administrative Penalty

System Name: Kern Valley State Prison

System Number: 1510802

Background

During the month of January 2018, the Division of Drinking Water issued Citation Number 03_12_18C_001 to the Kern Valley State Prison. The citation carried a civil penalty in the amount of **\$1,000.00**.

Method of Payment

A check for the total amount of the civil penalty and a copy of this form shall be submitted to the Division by **March 31, 2018**. The citation number shall be written on the check, the check made payable to the **State Water Resources Control Board**, and submitted to:

SWRCB Accounting Office
ATTN: Drinking Water Program Fees
P.O. Box 1888
Sacramento, CA 95812-1888

Attach check below: